

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERTA LEE LAWRENCE and
STEPHEN H. LAWRENCE,

Plaintiffs,

COMPLAINT

-against-

Civil Action No.:

08-cv-00239

SKENDER RADONCIC,

JURY TRIAL DEMANDED.

Defendants.

The plaintiffs, Roberta Lee Lawrence and Stephen H. Lawrence, by and through their attorneys, Hacker & Murphy, LLP, complaining of the defendants, respectfully alleges and sets forth the following:

PARTIES

1. At all times hereinafter mentioned, the plaintiffs, Roberta Lee Lawrence and Stephen H. Lawrence, are and were individuals residing at 79 Rolling Ridge Road, Upper Saddle River, New Jersey.

2. At all times mentioned herein, the plaintiffs were married to each other.

3. At all times mentioned herein, the plaintiff, Roberta Lee Lawrence, was a teacher at the Pearl River High School in Rockland County, New York.

4. Upon information and belief, at all times mentioned herein, the defendant, Skender Radoncic, a minor, is and was an individual residing at 41 Dutchess Drive, Orangeburg, New York, within the County of Rockland.

VENUE

5. The venue of this action is proper as the defendants reside within the Southern District of New York and the accident occurred within the Southern District of New York.

JURISDICTION

6. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332 as plaintiffs are domiciliaries of the State of New Jersey, the defendant is a domiciliary of the State of New York, the accident occurred in the State of New York and the matter in controversy exceeds, exclusive of interest and costs, SEVENTY-FIVE THOUSAND and 00/100 (\$75,000.00) DOLLARS.

DEMAND FOR JURY TRIAL

7. A jury trial is hereby demanded.

ALLEGATIONS

8. On March 1, 2007 at approximately 10:00 a.m., the defendant, Skender Radoncic, swung his backpack at another student and negligently and carelessly struck the plaintiff in the head with the same.

9. The aforementioned accident occurred at the Pearl River High School in Rockland County, New York.

10. The aforesaid accident happened without fault or negligence on the part of plaintiff.

11. As a direct and proximate result of the defendant's aforesaid negligence, plaintiff, Roberta Lee Lawrence, suffered serious injuries, including, but not limited to, a traumatic brain injury.

12. Plaintiff, Roberta Lee Lawrence, also suffered economic losses as a direct and proximate result of the defendant's negligence.

13. That by reason of the foregoing, the plaintiff, Roberta Lee Lawrence, has been damaged in the sum of TWO MILLION FIVE HUNDRED THOUSAND and 00/100 (\$2,500,000.00) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION,
THE PLAINTIFF, STEVEN H. LAWRENCE, ALLEGES AS FOLLOWS:**

14. Plaintiffs repeat, reiterate and reallege each and every allegation set forth in paragraphs marked 1 through 13 as if repeated and set forth at length in this cause of action.

15. At all times hereinafter mentioned, the plaintiff, Steven H. Lawrence, was the lawfully wedded husband of the plaintiff, Roberta Lee Lawrence.

16. Plaintiff has been deprived of the services, society, companionship and consortium of his wife, and her comfort, happiness and society has been impaired, and plaintiff is informed and verily believes that such deprivation and impairment will necessarily continue permanently.

17. As a result of the foregoing, the plaintiff, Steven H. Lawrence, has been damaged in the sum of ONE HUNDRED THOUSAND and 00/100 (\$100,000.00) DOLLARS.

WHEREFORE, plaintiff, Roberta Lee Lawrence, demands judgment against the defendant in the first cause of action in the sum of TWO MILLION FIVE HUNDRED THOUSAND and 00/100 (\$2,500,000.00) DOLLARS, and the plaintiff, Steven H. Lawrence, demands judgment against the defendant in the second cause of action in the sum of ONE HUNDRED THOUSAND and 00/100 (\$100,000.00) DOLLARS, together

with the costs and disbursements of this action, and for such other and further relief as to this Court seems just and proper.

DATED: January 4, 2008

HACKER & MURPHY, LLP

By: 

John F. Harwick, Esq.

Bar Roll No: JFH 5253

Attorneys for Plaintiffs

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